

ORIGINAL

United States Court of Federal Claims

No. 14-582 C
January 22, 2015

FILED

JAN 22 2015

U.S. COURT OF
FEDERAL CLAIMS

THOMAS R. ESTES,

Plaintiff,

v.

UNITED STATES OF AMERICA,

Defendant.

ORDER DISMISSING CASE

Before the court is defendant's motion to dismiss for lack of subject jurisdiction, filed on September 5, 2014, pursuant to Rule 12(b)(1) of the Rules of the United States Court of Federal Claims ("RCFC").

Plaintiff, proceeding *pro se*, filed a complaint on July 9, 2014, alleging that the United States Social Security Administration ("SSA") improperly denied his request for a new social security number. In addition to requesting a new social security number, plaintiff seeks a name change and a new official birthdate. Plaintiff also appears to allege that SSA officials discriminated against him on the basis of sex.

Plaintiff's allegations—even if true—do not give rise to any cause of action over which this court has subject-matter jurisdiction. This court's authority to hear cases is primarily defined by the Tucker Act, which grants this court jurisdiction over claims against the United States that are founded on a money-mandating source of law and do not sound in tort. 28 U.S.C. § 1491(a)(1). This court does not have jurisdiction to review the denial of a request for a new social security number—the review of final decisions of the Commissioner of Social Security lies in the federal district courts. *See* 42 U.S.C. § 405(g). To the extent that plaintiff makes a claim of sex discrimination, this court lacks subject matter jurisdiction to entertain tort claims. *See* 28 U.S.C. § 1491(a). The court therefore dismisses the complaint pursuant to RCFC 12(b)(1).

For the foregoing reasons, defendant's MOTION to dismiss is GRANTED. The Clerk is hereby directed to take the necessary steps to dismiss this matter.

IT IS SO ORDERED.


Lawrence J. Block
Judge